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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/920,736 | 08/03/2001 | Mitsuhiro Shimazu | VX012330 | 5069 |

7590 05/09/2005
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| EXAMINER |
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HUYNH, BA

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| ART UNIT | PAPER NUMBER |
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2179

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,736

Applicant(s)

SHIMAZU ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,648,755 (Yagihashi).

- As for claims 1, 2, 8, 9: Yagihashi teaches a display device having a plurality of indicators ("state indication mark") for displaying various operational states of a working machine (fig. 6). The appearance of the indicators being depended upon a detected state of the working machine. Figure 6C show the enlarged indicators 701 and 711 responsive to a state change (thus the 701 and 11 of figure 6C are now act as state change indication marks). In normal state, the indicators are displayed as in figure 6A. When a state change is detected, predetermined indicators are minimized ("make unindicative": not make to indicate) while others are enlarged ("make indicative": make to indicate) as seen figure 6A-C (7:8-62; see also tables 1-4). Yagihashi fails to clearly teach that the "made indicative" indicators are displayed at the pre-determined location replacing the made "unindicative" indicators. However, as disclosed by Yagihashi in the Background of Invention, the displaying of a "made indicative" icon at a predetermined display segment replacing a "made unindicative"

responsive to a detected system warning is well known (1:7-19). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known teaching of displaying the “made indicative” icon at the predetermined display segment and replacing the “made unindicative” icon to Yagihashi.

Motivation of the combining is for the obvious advantage of catching user attention in an alarm state.

- As for claims 3, 10: The “made indicative” indicator is displayed at the position given a highest priority and the one of lowest priority is removed from the display. The display of the indicators is further ordered according to the priority hierarchy (1:13-20). Thus before the rearranging, it appears that the “made indicative” indicator is displayed at the position of the one that has lowest priority. Even if it is not, it would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of the “made indicative” indicator at the position of the one that has lowest priority. Motivation of the implementation is for preserving processing time from re-arrangement of the indicators.
- As for claims 4, 11: The vehicle includes multiple running and working sub-systems. The indicators indicate the running/working states of the sub-systems. Some of the indicators 707, 708, 709... remain unchanged (figs 1, 6).
- As for claims 5, 12: The state change indication marks correspond to the state indication marks, i.e., each indicator indicates a corresponding state change.
- As for claims 13-16: Tables 1-4 shows some indicators are enlarged while others are reduced in scale. See also figure 6.

- As for claim 17, 18: Yagihashi teaches a display device having a plurality of indicators (“state indication mark”) for displaying various operational states of a working machine (fig. 6). The appearance of the indicators being depended upon a detected state of the working machine. Figure 6C show the enlarged indicators 701 and 711 responsive to a state change (thus the 701 and 11 of figure 6C are now act as state change indication marks). In normal state, the indicators are displayed as in figure 6A. When a state change is detected, predetermined indicators are minimized (“make unindicative”: not make to indicate) while others are enlarged (“make indicative”: make to indicate) as seen figure 6A-C (see also tables 1-4). It is noted that while the enlarged indicators draw user attention to the state change, it is desirable to have the minimized indicators still displaying useful information to the user. Thus Yagihashi does not teach that the minimized indicators are completely removed from the display screen. However, completely removing the minimized indicators would have been an obvious reverse engineering of Yagihashi disclosure. It would have been obvious to one of skill in the art, to implement the complete removing of the minimized indicators from the display to further increase the size of the state change indicators with the trade-off of the useful information provide by the minimized indicators.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2179

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by US patent #5,847,704

(Hartman).

- As for claim 6: Hartman teaches a display screen 62 including segments respectively displaying a plurality of marks 64-76 for displaying various operational states of a working machine (fig. 2). When a predetermined signal is inputted (3:35-38), a predetermined one 68, 74, 76 of the plurality of marks being displayed on said screen is made unindicative by removing display thereof and a predetermined mark 82, 84 corresponding to the predetermined signal is displayed in the display segment in which the predetermined mark was displayed (fig. 3).

Response to Arguments

Applicant's arguments filed 2/28/05 have been fully considered but they are not persuasive.

REMARKS: In response to the argument that Yagihashi does not teach removing of the make unindicative marks on the display, the removing of the unindicative marks is not required by the language of the claims (“indicative” is commonly defined as serving to indicate, thus “unindicative” means not serving to indicate). Furthermore, the argument appears to contradict with the language of claims 13 and 15, wherein the “make unindicative” marks are remain on the display.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
5/3/05


BA HUYNH
PRIMARY EXAMINER